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Filed

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CV 13 80140 MISC LHK

9 APPLE INC.,

Case No. _____

10 Movant,

**ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

11 v.

12 GOOGLE INC.,

[Consolidated Civil Action Case Nos. 1:10-cv-
23580-RNS and 1:12-cv-20271-RNS
U.S.D.C., S.D.F.L.]

13 Respondent.

**NOTICE OF MOTION AND MOTION TO FILE UNDER SEAL
PURSUANT TO L.R. 79-5(d)**

17 NOTICE is hereby given of Apples Inc.'s administrative motion to file under seal portions
18 of Apple Inc.'s Motion to Compel Compliance with a Subpoena and the exhibits to an
19 accompanying declaration, filed concurrently herewith, that have been designated confidential by
20 Google Inc.

RELIEF REQUESTED & STATEMENT OF ISSUES TO BE DECIDED

22 Pursuant to a Protective Order entered in the underlying litigation, Consolidated Civil
23 Action Case Nos. 1:10-cv-23580-RNS and 1:12-cv-20271-RNS, pending in the U.S. District Court
24 for the Southern District of Florida (D.E. 114), as amended (D.E. 140), Apple is obligated to file
25 documents designated as confidential under seal. Accordingly, and further pursuant to Civil Local
26 Rule 7-11 and 79-5(d), Apple submits this administrative motion to seal portions of its
27 concurrently filed Motion to Compel Compliance with a Subpoena and to seal certain exhibits to
28 an accompanying declaration in their entirety, as set forth below.

1 Specifically, the accompanying exhibits to seal include:

2 1. Exhibit Z to the Declaration of Robert T. Vlasis, which is an email from Robert T.
3 Vlasis, counsel for Apple and an attorney at Weil, Gotshal & Manges LLP, to Matthew S. Warren,
4 counsel for Google and an attorney at Quinn Emanuel Urquhart & Sullivan, LLP, on February 25,
5 2013. Although the email was marked "MAY CONTAIN GOOGLE CONFIDENTIAL
6 BUSINESS INFORMATION" by Apple's counsel, it was done in accordance with an indication
7 from Google's counsel that the subject matter of that letter is confidential business information
8 subject to the protective order.

9 2. Exhibit QQ to the Declaration of Robert T. Vlasis, which is a letter from Mr.
10 Warren to Mr. Vlasis on April 25, 2013. This letter is explicitly marked "Confidential Business
11 Information Subject to Protective Order."

12 3. Exhibit SS to the Declaration of Robert T. Vlasis, which is a letter from Mr. Warren
13 to Mr. Vlasis on April 29, 2013. This letter is explicitly marked "Contains Confidential Business
14 Information Subject to Protective Order."

15 4. Exhibit UU to the Declaration of Robert T. Vlasis, which is a letter from Mr.
16 Warren to Mr. Vlasis on May 1, 2013. This letter is explicitly marked "Contains Confidential
17 Business Information Subject to Protective Order."

18 5. Exhibit EEE to the Declaration of Robert T. Vlasis, which is a letter from Mr.
19 Warren to Mr. Vlasis on May 24, 2013. This letter is explicitly marked "CONFIDENTIAL
20 BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER."

21 6. Exhibit III to the Declaration of Robert T. Vlasis, which is a letter from Mr. Vlasis
22 to Mr. Warren on June 3, 2013. Although this letter was marked "MAY CONTAIN GOOGLE
23 CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER" by
24 Apple's counsel, it was done so at the request of Google's counsel who indicated that the subject
25 matter of that letter is confidential business information subject to the protective order.

26 7. Exhibit LLL to the Declaration of Robert T. Vlasis, which is a letter from Mr.
27 Warren to Mr. Vlasis on June 14, 2013. This letter is explicitly marked "Confidential Business
28 Information Subject to the Protective Order."

1 8. Exhibit NNN to the Declaration of Robert T. Vlasis, which is a letter from Michael
2 A. Valek, counsel for Apple and an attorney at Gibson, Dunn & Crutcher LLP, to Mr. Warren on
3 May 20, 2013. Although this letter was marked “HIGHLY CONFIDENTIAL – ATTORNEY’S
4 EYES ONLY” by Apple’s counsel, it was done so at the request of Google’s counsel who
5 indicated that the subject matter of that letter is confidential business information subject to the
6 protective order.

7 The specific portions of the Motion to Compel Compliance with a Subpoena to seal
8 include:

9 1. The portion beginning immediately after “Exh. EEE.” in line 16 of page 5 and
10 ending immediately before “thus” in line 18 of page 5. This portion refers to and describes the
11 content of Exhibit EEE to the Declaration of Robert T. Vlasis, discussed above.

12 2. The portion beginning immediately after the word “Google” in line 19 of page 9 and
13 ending immediately before the word “This” in line 24 of page 9. This portion refers to and
14 describes the content of Exhibit EEE to the Declaration of Robert T. Vlasis, discussed above.

15 3. The portion beginning immediately after the word “included” in line 26 of page 9
16 and ending immediately before “And” in line 28 of page 9. This portion also refers to and
17 describes the content of Exhibit EEE to the Declaration of Robert T. Vlasis, discussed above.

18 4. The portion beginning immediately after the word “would” in line 5 of page 10 and
19 ending immediately before the word “it” in line 6 of page 10. This portion quotes language from
20 Exhibit UU to the Declaration of Robert T. Vlasis, discussed above.

21 5. The portion beginning immediately after “Google agreed” in line 26 of page 10 (i.e.,
22 footnote 3) and ending immediately before “Apple believes that the” in line 27 of page 10 (i.e.,
23 footnote 3). This portion refers to and describes the content of Exhibit NNN to the Declaration of
24 Robert T. Vlasis, discussed above.

25 6. The portion beginning immediately after “Apple believes that the” in line 27 of page
26 10 (i.e., footnote 3) and ending immediately before the word “is” in line 27 of page 10 (i.e.,
27 footnote 3). This portion also refers to and describes the content of Exhibit NNN to the
28 Declaration of Robert T. Vlasis, discussed above.

1 Respectfully submitted,

Dated: July 3, 2013

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